

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
MIDLAND/ODESSA DIVISION**

INTELLECTUAL VENTURES I LLC and  
INTELLECTUAL VENTURES II LLC,

*Plaintiffs,*

v.

SOUTHWEST AIRLINES CO.,

*Defendant.*

**Civil Action No. 7:24-cv-00277-ADA**

**JURY TRIAL DEMANDED**

**DECLARATION OF JOHN DOWNING IN SUPPORT OF  
PLAINTIFFS' COMBINED MOTION FOR LEAVE TO FILE LATE RESPONSE  
AND FOR EXTENSION OF TIME ON SEPARATE DEADLINE**

I, John Downing, declare as follows:

1. I am a Partner with the law firm of Kasowitz LLP. I am one of the attorneys responsible for the representation of Plaintiffs Intellectual Ventures I LLC and Intellectual Ventures II LLC (collectively, "Plaintiffs") in this matter and make this declaration in support of Plaintiffs' Combined Motion for Leave to File Late Response and for an Extension of Time on Separate Deadline.

2. Southwest filed its Rule 12(b)(6) Motion to Dismiss on July 9, 2025. Dkt. 55.

3. Intellectual Ventures' response was due on July 23, 2025.

4. At that time, counsel for Intellectual Ventures was preparing multiple substantive filings in this and related matters, all due in the same short time frame. In the press of these simultaneous deadlines, the due date for the response was inadvertently not entered into the internal docketing system.

5. At that time, counsel for Intellectual Ventures was in the midst of an office relocation, which temporarily disrupted normal calendaring and administrative processes.

6. At that time, counsel for Intellectual Ventures represented Fintiv, Inc. in *Fintiv, Inc. v. Apple Inc.*, Case No. 1:21-cv-00896-ADA, a case in which the court set an expedited trial schedule. On June 24, 2025, the court set forth a trial schedule, including Final Pre-Trial Conference on July 30, 2025, Jury Selection on July 31, 2025, and Trial beginning at 9:00 AM CT on August 4, 2025. Dkt. 483.

7. As soon as Intellectual Ventures learned of the July 23, 2025 deadline, local counsel for Plaintiffs contacted Southwest, requesting an out-of-time response on the same day.

8. Southwest confirmed that it did not yet have an answer from Southwest on whether to agree to the request.

I hereby declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct to the best of my knowledge, information, and belief, formed after reasonable inquiry under the circumstances.

Executed on the 13th day of August, 2025, in San Francisco, California.

/s/ John Downing  
John Downing